

AGRICULTURAL LABOR RELATIONS ACT
Employer Questions & Answers
Elections

What is an Election Petition?

An election petition seeks to conduct an election among employees who are not currently represented by a union.

This petition may be filed by an agricultural employee or group of agricultural employees or an individual or union actin on their behalf.

The petition must be filed with the nearest Regional Office and must be accompanied by signatures or authorization cards signed and dated by a majority of the currently employed employees in the bargaining unit.

In addition, the petition must be filed when the number of current employees is at least 50% of your peak employment for the current calendar year.

What are My Obligations After the Petition is Filed?

Within 48 hours of the filing of a petition, you are required to submit to the Regional Director an accurate list of all agricultural employees who worked at any time during the payroll period immediately preceding the filing of the petition. The list must include employees supplied by labor contractors or other providers of labor. The information must include employees' addresses where currently living, and job classifications.

Can I Challenge Any of the Statements Made in the Petition in My Response?

Yes. You have the right to challenge any of the allegations made in the petition on the grounds, for example, that you were not at least at 50% of peak employment for the current calendar year, or that you are not an agricultural employer, or that an election was held among the same unit of employees in the last 12 months.

You must provide information to support these contentions in your written response to the Regional Director.

Do Employers Have the Right to Campaign Against the Union?

Yes. You or your representatives may attempt to dissuade your employees from electing a union as long as:

- (1) You do not promise to reward then for voting against the union (Example: You offer employees more hours of work, higher pay, or benefits if they vote against the union).
- (2) You do not threaten the employees with reprisals (Example: You threaten to fire employees, or tell them that their hours will be reduced, if they vote for the union).

What is a Pre-Election Conference?

A pre-election conference is a meeting between the Regional Director and the parties to discuss how the election will be conducted. It should result in a determination of the time, date, place, voting sites, the transportation of the crews to the polls, and other conditions of the election such as the choosing of your own election observers.

The pre-election conference is normally held no later than 24 hours before the election begins unless the Regional Director directs otherwise.

Who is Eligible to Vote in an Election?

All agricultural employees of the employer who were employed at any time during the last payroll period completed prior to the filing of the election petition. Employees on sick leave or vacation may also be eligible to vote.

When Will the Election Occur?

Elections are normally held within 7 days of the filing of the petition unless a majority of the employees are engaged in a strike, in which case the Board attempts to hold the election within 48 hours of the filing of the petition.

How Will Employees Be Notified of the Election?

The Board Agents meet with the employees right after the election petition is filed in order to advise them that an election may be held, and again after an election is scheduled, in order to advise them of the time, location and procedures of the election.

Can the Parties Campaign at the Polling Sites?

No. Board agents have the right to designate a “quarantine” area surrounding the polls which parties may not enter during the voting.

Can I Appeal the Results of the Election?

Yes. If you believe that the election was not conducted properly or that misconduct occurred affecting the results of the election, you can file objections with the Executive Secretary of the Board within 5 days of the close of balloting.

Your objections may result in the holding of an investigative hearing which could lead to the setting aside of the election or certification of the union.

THE MISSION OF THE ALRB

THE AGRICULTURAL LABOR RELATIONS ACT (ALRA OR ACT) WAS ENACTED FOR THE PURPOSE OF PROVIDING A PROCESS FOR THE PEACEFUL AND ORDERLY RESOLUTION OF AGRICULTURAL LABOR DISPUTES. THE ALRB BELIEVES THAT THE RESOLUTION OF DISPUTES AT THE EARLIEST STAGES BEST SERVES BOTH LABOR AND GROWERS.

OFFICES

AGRICULTURAL LABOR RELATIONS BOARD

REMEMBER, THE ALRB IS ONLY A PHONE CALL AWAY

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Please call for answers to your specific questions, or for additional brochures.

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